A Look at Child Welfare from an Education Perspective

This NCHE brief will:

- **Provide an overview of the child welfare system,**
- **Discuss the intersection of child welfare and education, and**
- **Note key additional resources for supporting the education of children and youth in the child welfare system.**

National Center for Homeless Education
Supporting the Education of Children and Youth Experiencing Homelessness
http://nche.ed.gov

Introduction

The Every Student Succeeds Act (ESSA)[1] emphasizes the importance of collaboration and joint decision-making between child welfare agencies (CWAs) and educational agencies to ensure educational stability for children and youth in foster care. The law builds on and strengthens similar provisions in the Fostering Connections to Success and Increasing Adoptions Act of 2008[2] which required CWAs to have a plan for ensuring the educational stability of children in foster care including having students remain in the school of origin if it's in their best interest. The combination of the ESSA and Fostering Connections requirements clearly outline the joint responsibility of educational agencies and CWAs to collaborate to serve students in foster care.

One of the ESSA mandates is for each state education agency (SEA) to designate a point of contact (POC) to work with CWAs to implement the educational stability requirements under Title I. This POC may not be the same person as the State Coordinator for Homeless Education. ESSA also requires every local education agency (LEA) to assign a POC for students in foster care once the local CWA notifies the LEA

[1] Public Law No: 114-95

[2] Public Law No: 110-351

that they have a designated POC to work with the LEA. The *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care*[3] recommends that LEAs appoint their POCs even before the CWA notifies the LEA of their POC.

Since the LEA POC can be the same person as the local liaison for homeless education, many liaisons are now working closely both with students experiencing homelessness and those in foster care – either serving as their LEA's POC or working very closely with that person. Therefore, many liaisons are seeking a better understanding of the child welfare system and serving children and youth in foster care. The intent of this publication is to provide just such an overview.

Overview of child welfare

The child welfare system provides a range of services to ensure that children are safe and their families have the necessary support to care for them effectively. Since most public child welfare agencies collaborate and contract with a myriad of public, private, and nonprofit organizations to serve children and families, child welfare typically is a very complex system with processes and procedures that vary widely by state and community. The public child welfare system includes child protection, foster care, family strengthening/support, adoption, and other services. It is responsible for:

- Investigating community-initiated reports of abuse and neglect and removing children from harmful living situations
- Providing services to address the causes of abuse and neglect so children separated from their families due to safety issues can return home
- Arranging for and ensuring adequate care of children until they can be returned safely to their families
- Securing permanent placements for children who cannot return safely to their families

In 2015, 3.4 million allegations of child abuse and neglect were made to Child Protective Service (CPS) agencies.[4] Although anyone can report suspected child neglect or abuse, all states have designated mandatory reporters such as school and law enforcement personnel, who are legally required to report their suspicions. In addition, many states require anyone who suspects abuse or neglect to file a report.[5]

Upon receiving a report, a CPS worker determines whether, based on that state's guidelines, the report contains sufficient information to warrant an investigation. If so, an investigation is conducted to determine if the report can be substantiated and whether the risk is so great that the child must be removed from the situation immediately or if services can be provided to the family to minimize risk to the child (see diagram on page 3). If it is decided that a child must be removed, the CWA files a petition with the court, which then triggers a series of judicial hearings.

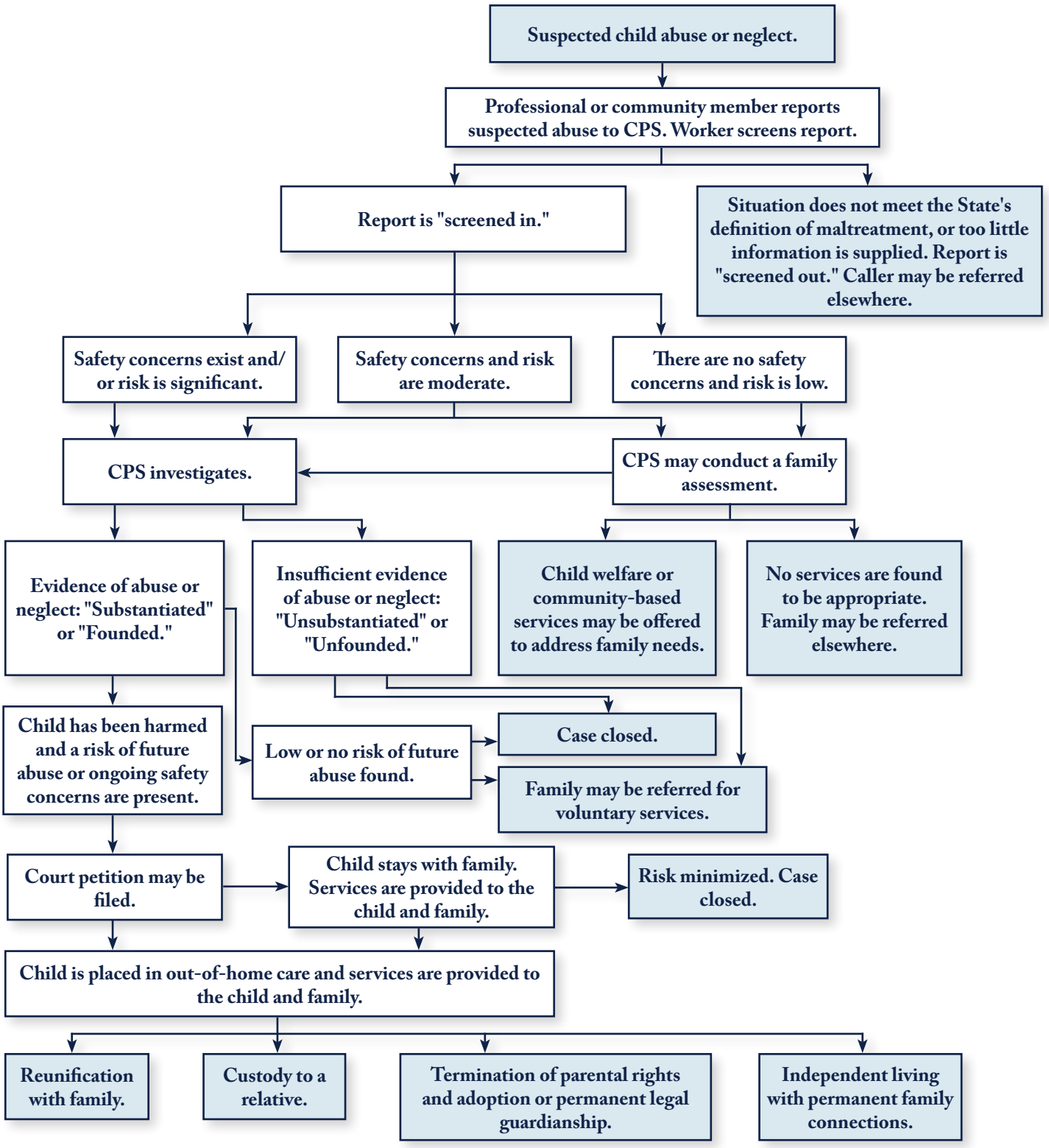
A child who has been removed from home is placed into the legal custody of the CWA, but physical custody (placement) can be with relatives, with a foster family (relative or non-relative), or in a congregate setting such as a group home. Child welfare caseworkers develop a permanency plan (usually reunification with the birth parents) based on the family's circumstances and the child's needs. At each court hearing, discussions center around the appropriateness of the child's placement and the services provided to the child and family to enable them to meet future goals. Federal law requires a permanency planning hearing be held within 12 months (some states require this sooner) or when it is determined that reunification is no longer the goal.[6]

[3] U.S. Department of Education and U.S. Department of Health and Human Services (2016).

[4] U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, 2017.

[5] Administration for Children and Families, Children's Bureau, 2016.

[6] Administration for Children and Families, Children's Bureau, 2016.



From *How the Child Welfare System Works*, by Child Welfare Information Gateway, 2013. Reprinted with permission. Retrieved August 31, 2017, from https://www.childwelfare.gov/pubpdfs/cpswork.pdf

Intersection of Child Welfare and Education

Despite serving many of the same children, local CWAs and local education agencies (LEAs) historically have had little interaction. Much has been written on the difficulties of communicating with and navigating the different systems, each with its own policies and procedures. However, the high numbers of students involved with both agencies along with the ESSA requirements to serve those students provide an unprecedented opportunity to improve interagency coordination. When school and child welfare personnel understand how each other's systems work, they can design and implement overarching policies that increase the efficiency of the agencies and ensure positive experiences for students.

School is an important source of stability for children with tumultuous family and home lives, and LEA POCs may be the best suited to spearhead collaborative efforts. Many communities are now focusing on schools as the basis for collaborations simply because that is where the children are. This provides school personnel the opportunity to take the lead on developing collaborations with CWAs, juvenile/family courts, foster parents, CASAs and GaLs, children's attorneys, and other advocates. In addition, involving the students themselves not only engages them in their own educational outcomes, but also tends to discourage them from running away from care. Some effective practices are to:

- Develop a memorandum of understanding or interagency agreement involving the child welfare agency, education agencies, and the family/ juvenile courts, that promotes keeping youth in the school of origin and outlines how agencies will communicate with each other and appropriately share records.
- Determine the responsibilities of educators, caseworkers, foster parents, biological parents, surrogate parents, and advocates; and who should be contacted for various educational issues, e.g., who should attend IEP meetings and sign parental consent forms.

Foster Care Mobility Issues

> "Perhaps the single most important thing that each of us can do to improve the educational outcomes for foster children is to ensure that their school placement remains stable."[7]

Although many factors contribute to poor educational outcomes for children and youth in foster care, educational success often hinges on school stability. Even the 48% of children and youth who are in child welfare custody for less than 12 months[8] will change residences at least twice in one year – once when they are removed from their families and once when they are returned,[9] but some remain in care much longer. One study found that more than 30% of youth in foster care had eight or more residential placements and 65% experienced seven or more school changes from elementary through high school.[10] It is not uncommon to hear of children who have been in 20 or 30 different homes.[11] Numerous moves can be profoundly unsettling for children, and many have been separated not only from their parents, but also from their siblings.

Frequently, residence changes are accompanied by a school transfer resulting in further loss of adult support and peer relationships at school. Most researchers agree that school transfers require a substantial adjustment for any child, but those in foster care (whose transfers typically coincide with additional adjustments to a new home, foster family, and peers) are particularly vulnerable to adverse educational effects. For example, students in care are

[7] Heybach & Winter, 1999, p. 3.

[8] U.S. Department of Health and Human Services, 2016, p. 2.

[9] Pew Charitable Trust, 2004, p. 2.

[10] Pecora, Kessler, Williams, O'Brien, Downs, English, 2005, p. 35.

[11] Jim Casey Youth Opportunities Initiative, 2006, p.1.

twice as likely as their peers to be absent from school and experience out-of-school suspension and 2.5 to 3.5 times more likely to receive special education services.[12] They also have higher absenteeism, tardiness, and truancy rates.[13] Considering these factors, school stability becomes even more critical both from a personal and academic standpoint.

Information and Records Sharing

It is vitally important for school districts and social service agencies to agree on protocols for sharing information and records to ensure immediate and appropriate school services. In the past, misunderstandings abounded concerning what information could and could not be shared. In general, the Family Educational Rights and Privacy Act (FERPA) prohibits sharing education records with a third party without parental consent, but exceptions include that records may be released to "school officials …with legitimate educational interest in the child," [14] which definitely includes the POCs in both agencies and can include teachers and school administrators.

Another FERPA exception allows release of records to officials of other schools when a student is transferring schools.[15] ESSA requires that if it is not in the student's best interest to stay in the school of origin, he/she must be immediately

[12] National Working Group on Foster Care and Education, p. 1.

[13] Parrish, Graczewski, Stewart-Teitelbaum, & Van Dyke, 2002.

[14] Family Educational and Privacy Rights Act, 20 U.S.C. § 1232g (b)(1)(A) (1974).

[15] Family Educational and Privacy Rights Act, 20 U.S.C. § 1232g (b)(1)(B) (1974).

[16] Stotland, 2007, p. 23

[17] Ibid

[18] Individuals with Disabilities Education Act https://sites.ed.gov/idea/statute-chapter-33

Special Populations

Students Receiving Special Education Services

Up to half of foster children and youth receive special education services which is two to three times the rate of non-foster youth.[16] Much of the confusion surrounding educational issues among those outside the education system involves special education (60% of child welfare caseworkers were "not aware of existing laws when referring children to special education"),[17] particularly regarding Individual Education Plans (IEPs) and parental consent/decision-making. This is partially because in addition to the biological or adoptive parent, the Individuals with Disabilities in Education Act[18] defines a parent as a foster parent, a guardian (but not the State), a person acting in the place of a parent, or a surrogate parent. Court Appointed Special Advocates (CASAs), Guardians ad Litem (GALs), and children's attorneys also may serve as parents and make educational decisions if the court allows.

The school district must appoint a surrogate parent within 30 days if no one who meets the IDEA definition of "parent" can be identified, the school cannot locate a parent, the child is a ward of the state, or the student is an unaccompanied homeless youth. But the school cannot appoint a surrogate just because the biological/adoptive parent is uncooperative or will not attend a meeting. For wards of the state, surrogates also may be appointed by a judge. This could apply to students in foster care when a foster parent does not want to or is unable to serve as the child's special education decision-maker.

Employees of the school district or SEA or "any agency that is involved in the education or care of the child" (i.e., child welfare agency) are prohibited from being surrogates. Prior to the appointment of a permanent surrogate, any staff member of an emergency or transitional shelter, independent living program, street outreach program, LEA, or school may be appointed as a temporary surrogate parent if needed. This information can be confusing to those

enrolled in the new school, even if lacking records normally required for enrollment. The enrolling school should immediately contact the last school attended to obtain the records and place the child in the appropriate education setting, and the sending school should provide those records immediately.

Education Advocacy: Who's responsible for what?

Adults in the lives of foster children often lack a full picture of their educational needs. Caseworkers are primarily concerned with safety issues, foster parents tend to be more troubled with children's behavior than their grades, and advocates may not understand the importance of education or how to navigate the system. School staff may not be privy to information about a child's foster care background and how it might hinder academic progress and social-emotional development. For instance, some foster youth choose not to develop relationships because they are ashamed of being in care. Others may be disciplined because of trauma-related behaviors, such as being disruptive to seek attention, having difficulty with rule following, and experiencing a low frustration tolerance with inability to control impulsive behavior.

Helping students maintain relationships with the important people in their lives, while building new relationships in their foster homes and schools is an important aspect of social workers' and caregivers' roles that may require additional training and support.[19] Although many adults may be involved, it is often unclear who has ultimate accountability for the educational progress of these students. Increasing cooperation between the child welfare system and within the educational system, but doubly so for those outside it, thus highlighting the necessity of having clearly defined procedures and roles.

Older Youth

Many students in care struggle to successfully transition to high school and consequently approximately half (some estimates are nearly 70%) drop out at an early age[20] limiting their ability to secure employment and achieve self-sufficiency. This transitional period is a critical point for POCs, social workers, and other youth advocates to work closely with students encouraging them to remain in school and helping them secure the necessary resources to support their academic success. These alarming statistics highlight the need for education advocates to ensure youth receive the academic resources necessary to graduate from high school, go to college, and successfully transition to adulthood.

Even though older youth in care say they have high educational aspirations and resent that more is not expected of them, few are encouraged to think about college or even participate in extra-curricular school activities associated with high academic achievement. Instead, despite studies that show low-achieving students are far more likely to pass challenging classes than less demanding ones, foster youth are significantly less likely to earn a high school diploma or GED (63.9% compared with 90.6%)[21] and more likely to be steered toward vocational education programs.[22] Additionally, only about 3% obtain a bachelor's degree within a few years of emancipation.[23]

Children and youth who were adopted from foster care at age 13 or older qualify as independent students on the Free Application for Federal Student Aid (FAFSA). This means they receive federal financial aid based solely on their own income and assets and do not have to submit parental income or signatures to receive aid. Youth who are adopted from the foster care system at age 16 or older may

[19] Fox and Berrick, 2007, p. 47.

[20] Smithgall, et al.,2004, p. 2.

[21] Courtney & Dworsky, 2006.

[22] Barth & Haycock, 2004

[23] National Working Group on Foster Care and Education, n.d.

schools along with designating one person to have primary responsibility for a child's education are vital to school success.

To be good advocates, child welfare workers need a thorough understanding of:

- The importance of educational success to a youth's well-being and successful transition to adulthood
- The importance of school stability and why it must be considered when determining residential placement location and timing
- How the education system works – particularly concerning requesting supports and services
- The necessity of having educational records and special educational needs in the case plan including attendance, grades, disciplinary issues, teachers'/counselors' reports, and the student's attitude toward school

Educators could benefit from basic training on:

- Policies governing child welfare and foster care and how their involvement affects a child's development
- Roles and responsibilities of child welfare social workers as well as birth, foster, and surrogate parents in educational decisions
- Concrete ways to support students involved with child welfare
- The importance of keeping up-to-date, accurate, and complete educational records in the student's file and transferring those records quickly if the student moves to another school
- The need for timely enrollment and special education evaluations if warranted

be able to access Education and Training Voucher (ETV) assistance, which provides up to $5,000 per year for youth who are in college or at an accredited vocational or technical training program.[24]

The transition to adulthood is challenging for every adolescent. Many youth experienced multiple placements and numerous disruptions in foster care which disconnected them from supportive family and social networks and further compounded the issues. For example, in one study of youth's transitions from foster care to adulthood, fewer than 70% of the respondents reported receiving training in money management, legal skills, parenting, and utilizing community resources,[25] skills that typically would be learned in family settings. Lack of adequate educational, financial, and emotional stability make it very difficult for foster youth to make a successful transition to independent living. As the most vulnerable of all high-risk populations, it should be no surprise that former out-of-home care youth are significantly overrepresented among the homeless population. Approximately 26,000 youth age out of foster care each year, and as many as 31% experience homelessness.[26]

[24] More information about ETVs is at http://www.fc2sprograms.org

[25] Courtney, Dworsky, Terao, Bost, Cusick, Keller, et al., 2001.

[26] Courtney, et. al, 2011.

Attorneys, judges, CASAs, GaLs, and other advocates need to know:

- The importance of educational success to a youth's well-being and successful transition to adulthood
- The value of school stability and why it must be considered when determining residential placement location
- How the education system works – particularly concerning advocating for supports and services
- How to make education a priority in court reports and proceeding

Many foster care agencies have not clearly defined the educational roles that foster parents are expected to play, so foster parents have generally received little training or support in this area.[27] There is a wide disparity in the understanding of the education system among foster parents. Experienced ones have learned how to maneuver through the bureaucracy, but with annual turnover as high as 50% among some foster care agencies, it is clear that there are very inexperienced foster parents who need help in understanding the basics of being an educational advocate.[28] Some ideas include:

- Reinforcing the importance of educational success to a youth's well-being and successful transition to adulthood
- Helping foster parents recognize the effects of trauma, violence, and family disruption on children's behavior
- Providing training on how the education system works, including special education programs, and the value of their input and participation
- Highlighting the importance of keeping a file with all the child's educational information

Greater information sharing can provide caseworkers access to children's academic records and school staff more relevant information about a child's living situation. When school and child welfare personnel understand how each other's systems work, they can design and implement overarching policies that increase the efficiency of the agencies and ensure positive experiences for students.

Federal legislation emphasizes the importance of CWAs and educational agencies working together to serve students in foster care, but the commitment of local stakeholders is required to make a positive impact. Open communication is key to building cross-system relationships as a base for ensuring everyone involved understands the overall issues faced by children and youth in foster care, the responsibilities and expectations of each role group, and good collaborative strategies to ensure the success of students at school and beyond.

[27] Dougherty, 2001

[28] University of Tennessee Family Foster Care Project, 2002, p. 4.

Additional Resources

- *Casey Family Programs.* Works to influence long-lasting improvements to the safety and success of children, families and the communities where they live. They provide consulting services to child welfare systems; direct services to children and families; public policy resources; and research and analysis. http://www.casey.org
- *John H. Chafee Foster Care Independence Program.* Grants for states to help current and former foster care youths achieve self-sufficiency. Activities and programs include, but are not limited to, help with education, employment, financial management, and housing. http://www.acf.hhs.gov/programs/cb/programs_fund/state_tribal/jh_chafee.htm
- *Legal Center for Foster Care & Education.* http://www.fostercareandeducation.org

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For more information on issues related to the education of children and youth experiencing homelessness, contact the NCHE helpline at 800-308-2145 or **homeless@serve.org**.

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